

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 A.G. EDWARDS JR.,

No. FJ 02-0023 MMC

12 Plaintiff,

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY PETITION SHOULD
NOT BE DENIED**

13 v.
14 JOHN SKRABO, SKRABO LIVESTOCK,
and SUNDOWN LAND AND CATTLE
COMPANY,

15 Defendants.

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18 Before the Court is plaintiff A. G. Edwards's ("Edwards") "Petition for Court Order to
19 United States Marshall Service to Seize Sufficient Judgment Assets to Satisfy Judgment
20 against Judgment Debtors Preston and Carolyn Butcher of Menlo Park and Foster City,
21 CA., Surviving Debtors and Partners of Record Within Judgment Debtor Sundown Land
22 and Cattle Company," filed April 4, 2011. Having reviewed the petition, the Court rules as
23 follows.

24 On March 24, 1993, Edwards, in the United States District Court for the Northern
25 District of Nevada, obtained judgment against John Skrablo, Skrablo Livestock, and
26 Sundown Land and Cattle in the amount of \$182,180, with interest from the date of
27 judgment of 3.21%. See Edwards v. Skrablo, CV-N-91-505-ECR (D. Nev. Mar. 24, 1993).
28 On June 28, 2002, Edwards registered said judgment in the Northern District of California.

1 By the instant petition, Edwards seeks to enforce the judgment against Preston and
2 Carolyn Butcher, individuals not named as defendants in the registered judgment, on the
3 ground that they are the “sole surviving partners both of Sundown [Land and Cattle
4 Company] and of [John Skrabob and Skrabob Livestock].” (See Petition at 2.)

5 In support of his petition, Edwards relies, without further elaboration, on “Federal
6 Law.” (See Pet. at 2.) Under federal law, “[t]he procedure on execution [of a judgment] . . .
7 must accord with the procedure of the state where the court is located” See Fed. R.
8 Civ. P. 69(a)(1). California Corporations Code section 16307 sets forth the circumstances
9 under which the assets of a partner may be used to satisfy a judgment. Pursuant to said
10 statute, “[a] judgment against a partnership is not by itself a judgment against a partner.”
11 See Cal. Corp. Code § 16307(c). “A judgment against a partnership may not be satisfied
12 from a partner’s assets when there is no judgment against the partner.” See id.

13 Here, although Edwards, in his petition, refers to the Prestons as “Judgment
14 Debtors” (see, e.g., Pet. at 1), the judgment was, in fact, obtained only against John
15 Skrabob, Skrabob Livestock, and Sundown Land and Cattle.

16 Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE in writing, filed and
17 served on Preston and Carolyn Butcher no later than July 1, 2011, why the instant petition
18 should not be dismissed

19 **IT IS SO ORDERED.**

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21 Dated: June 13, 2011


22 MAXINE M. CHESNEY
23 United States District Judge

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